

JAMES HOWARD—WIDOW OF.

[To accompany Bill H. R. No. 643.]

APRIL 13, 1860.

Mr. DELANO, from the Committee on Revolutionary Pensions, made the following

REPORT.

The Committee on Revolutionary Pensions, to whom was referred the petition of Sarah Howard, widow of James Howard, have had the same under consideration, and report :

That the petitioner in her declaration, under oath, states that her husband was a deputy or assistant commissary in the State of Connecticut, appointed by Doctor Joshua Elderkin, commissary, and served under him as such for several years, engaged in the purchase of clothing, beef cattle, &c., for the revolutionary army, both before and after their marriage; that she was married on the 4th December, 1779, and that her husband died on the 8th January, 1811.

In proof of her statement she produces the testimony of various witnesses taken many years ago, who were cognizant of the services of her said husband, and whose credibility is properly vouched for.

The claimant produces the testimony of General Howard, a son and co-executor, a man of marked respectability; also that of her daughter, both of whom testify to having frequently seen their father's commission, and to its destruction along with many old books of accounts and papers, by being committed to the flames after the death of their father.

The records of the comptroller's office of Connecticut show that Dr. Joshua Elderkin was commissary (as stated in the declaration) from 1776 to 1783. And the marriage is satisfactorily proven by copies of the family records.

The only question which seems to have been raised to the allowance of the case by the Pension office, was the power of Dr. Elderkin to appoint an assistant—the *length* of service and the *marriage* being admitted.

The committee deem this objection of no validity; the facts being proven that her husband served in a particular office and grade the length of time required by law, it is immaterial about the service being rendered under a specific appointment.

The act of 7th June, 1832, upon which all the widows' pension laws are predicated, requires "*service*" a given time only, whether as "volunteers" or otherwise, to entitle the applicant to a pension.

Your committee are of opinion that the evidence fully sustains more than two years' service as an assistant commissary under Dr. Elderkin; and that having been married to her husband "prior to the last period of his service," she is entitled to the benefit of the act of July 4, 1836, and therefore report a bill for her relief, with the recommendation that it do pass.

ALBANY, 12, 1836.

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That the petitioner in her declaration, under oath, states that her husband was a deputy or assistant commissary in the State of Connecticut, appointed by Doctor Joshua Elderkin, commissary, and served under him as such for several years, engaged in the purchase of clothing, food, cattle, &c. for the revolutionary army, both before and after their marriage; that she was married on the 14th December, 1775, and that her husband died on the 8th January, 1811.

In proof of her statement she produces the testimony of various witnesses taken many years ago, who were cognizant of the services of her said husband, and whose credibility is properly vouched for.

The claimant produces the testimony of General Howard, a son and co-executor, a man of marked respectability; also that of her daughter, both of whom testify to having frequently seen their father's commission, and to its destruction along with many old books of accounts and papers, by being committed to the flames after the death of their father.

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